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International Covenant on Civil and Political Rights

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Human Rights Committee
123rd session

Summary record (partial)* of the 3489th meeting
Held at the Palais Wilson, Geneva, on Monday, 2 July 2018, at 10 a.m.

Chair: Mr. Shany

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* No summary record was prepared for the rest of the meeting.

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Mr. Korkeakivi (Chief, Capacity-Building and Harmonization Section, Human Rights Treaties Division, Office of the United Nations High Commissioner for Human Rights) took the Chair.

The meeting was called to order at 10.10 a.m.

Opening of the session

1. **The Temporary Chair**, speaking as the representative of the United Nations High Commissioner for Human Rights, said that the Committee's work to protect and promote the rights enshrined in the Covenant was more important than ever, given that human rights and international human rights law were increasingly under attack.

2. The recent annual meeting of the Chairs of the human rights treaty bodies had focused on the alignment of working methods and preparation for the 2020 review of the treaty body system. The Chairs had reached a number of decisions, taking into account the views of the Committee; they had agreed, for example, to propose the appointment of focal points within each treaty body to establish a common position ahead of the 2020 review.

3. The Chairs had met with various stakeholders, including Member States, United Nations agencies and non-governmental organizations. They had addressed a number of issues during their meeting with Member States, including late reporting and multilingualism. The lack of resources faced by the Committee had been raised at several meetings. The Chairs had also met with the Secretary-General, who had expressed his strong support for the treaty bodies; his next report on treaty body strengthening would highlight some of the challenges faced by those bodies.

4. During its upcoming session, the Committee would consider the reports of six States parties and would review a large number of individual communications. It would continue its second reading of draft general comment No. 36 on the right to life and its consideration of the draft revised rules of procedure. It would also hold meetings with various stakeholders.

5. The Chair of the Committee, Mr. Iwasawa, had recently resigned following his election as a judge at the International Court of Justice. One of the Vice-Chairs, Ms. Jelić, would also be stepping down from the Committee to assume her role as a judge at the European Court of Human Rights.

Election of the Chair and other officers of the Committee

6. **Mr. de Frouville** nominated Mr. Shany for the office of Chair, in accordance with rule 22 of the Committee's rules of procedure.

7. **Ms. Waterval** seconded the nomination.

8. **Mr. Fathalla**, speaking on behalf of the African members of the Committee, seconded the nomination. He recalled that, in 2019, it would be the turn of the African group to nominate a candidate for the office of Chair, in line with the practice of regional rotation, as agreed at the Committee's previous session.

9. **Ms. Jelić**, speaking on behalf of the members from the Eastern European informal group, seconded the nomination.

10. *Mr. Shany was elected Chair by acclamation.*

11. *Mr. Shany took the Chair.*

12. **Ms. Cleveland** nominated Mr. Politi for the office of Vice-Chair, in accordance with rule 22 of the Committee's rules of procedure.

13. **Mr. Fathalla**, speaking on behalf of the African members, **Ms. Jelić**, speaking on behalf of the Eastern European informal group, and **Ms. Waterval** seconded the nomination.

14. *Mr. Politi was elected Vice-Chair by acclamation.*

Adoption of the agenda (CCPR/C/123/1)

15. **Ms. Habtom** (Secretary of the Committee) explained that the programme of work had been amended slightly at the request of two of the reporting States, Bahrain and the Lao People's Democratic Republic.

16. *The agenda was adopted.*

Organizational and other matters, including the adoption of the report of the Working Group on Communications

17. **Ms. Jelić** said that the Working Group on Communications had considered 36 communications. It recommended finding a violation of the Covenant in 22 cases and a non-violation in 2 cases; 6 of the cases allowed for two possible interpretations and 5 should be declared inadmissible. Discussion of the remaining case had been postponed until the following session.

18. Six cases had been considered under the repetitive communications procedure. One had been set aside for examination at the following session and the other five would be discussed further with the Rapporteur for repetitive communications.

19. *The report of the Working Group on Communications was adopted.*

The discussion covered in the summary record ended at 10.35 a.m.

United Nations CCPR/C/SR.3490

International Covenant on Civil and Political Rights

Distr.: General
11 July 2018

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Human Rights Committee
123rd session

Summary record of the first part (public)* of the 3490th meeting
Held at the Palais Wilson, Geneva, on Monday, 2 July 2018, at 3 p.m.

Chair: Mr. Shany

Contents

Organizational and other matters, including the adoption of the report of the Working Group on Communications

* The summary record of the second part (closed) of the meeting appears as document CCPR/C/SR.3490/Add.1.

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The meeting was called to order at 3.05 p.m.

Organizational and other matters, including the adoption of the report of the Working Group on Communications

1. **The Chair** said that he wished to remind Committee members of the recommendations made by the Bureau at the last session, which had been endorsed by the Committee, concerning the allocation of time for questions during the interactive dialogue with States parties. Given the limited amount of time available for States parties to respond to the Committee's questions, the Bureau had recommended that the Chair should remind members of the time limits for questions both before and during the interactive dialogue. In principle, three minutes should be allocated for each question raised by task force members, subject to consultation with the country rapporteur. Committee members that were not part of the relevant task force should be allocated one minute for each intervention. The country rapporteur and the task force should discuss how to make the best use of the available time prior to each meeting. Each round of questions should be completed by Committee members within 50 minutes. The Chair should issue a reminder to members one minute before the end of their allocated time.

2. A proposal to limit the number of submissions concerning individual communications under the Optional Protocol had been made informally by Mr. de Frouville and Ms. Cleveland during the intersessional period. He invited them to introduce the proposal.

3. **Mr. de Frouville** said that the objective of the proposal was to enhance the efficiency of the procedure for the consideration of written submissions from the parties involved in individual communications. Most international courts and quasi-judicial bodies divided such procedures into two series of exchanges between the parties: an initial submission from the author and a response from the State, followed by a response thereto from the author and a rejoinder from the State. Any additional written submissions had to be explicitly authorized by the judicial body or the person tasked with administering the proceedings.

4. As the Committee's rules of procedures failed to address that issue, the secretariat was unable to impose a limit on the number of submissions received from the parties, which were often quite repetitive. As a result, the secretariat's analytical workload was extremely challenging and led to delays in the submission of communications to the Working Group on Communications. The Committee should therefore develop a set of rules governing the number of exchanges to be permitted.

5. **Ms. Cleveland** said that she strongly supported the proposal, which would permit a more efficient use of the secretariat's and the Committee's resources and enable the Committee to expedite its consideration of communications.

6. **Mr. Politi** said that he also endorsed the proposal in general terms. He would like to draw attention to the implications of what was known as the bifurcation of such proceedings, however. In some cases, international judicial bodies permitted one party to request a decision on admissibility, which might lead to three rounds of exchanges between the parties.

7. **Mr. Santos Pais** said that he also supported the proposal. It should be noted, however, that in some instances the Special Rapporteur might need to request updated information after the last submission. In addition, in some cases — for instance those involving deportation — the status of complainants at the time that the Committee was seeking to arrive at a decision was of great importance. The secretariat should therefore enquire about their status before submitting the communication to the Working Group or the Committee.

8. He would also like to suggest that the secretariat should refrain from submitting a thorough analysis of arguments that were repetitive. It could instead simply refer to them very briefly and cite its previous analysis of similar arguments.

9. **Mr. Heyns** said that he wished to underscore the importance of streamlining communications proceedings. He agreed with Mr. Santos Pais that it was important to keep abreast of the factual situation of complainants, particularly in the case of asylum seekers.

10. **Mr. Koita** said that he supported the proposal put forward by Mr. de Frouville and Ms. Cleveland in order to streamline the consideration of individual communications and to avoid needless repetitiveness.

11. **The Chair** said that, at a later date, the Committee would need to discuss the implications of the introduction of a procedure for keeping abreast of complainants' situation with the Petitions Unit.

12. He took it that the Committee was in agreement with the general outlines of the proposal made by Mr. de Frouville and Ms. Cleveland and would suggest that it should authorize them to draft a proposed amendment to the rules of procedure along those lines. An interim guideline could also be introduced pending adoption of the amended rules of procedure, which might take some time.

13. *It was so decided.*

14. **The Chair** invited Ms. Kran to report on a meeting held between the Special Rapporteur on the situation of human rights defenders and a group of treaty body experts.

15. **Ms. Kran** said that the International Service for Human Rights had hosted a consultation between the Special Rapporteur and members of treaty bodies in New York on 23 May 2018 to mark the twentieth anniversary of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, commonly referred to as the Declaration on Human Rights Defenders. The aim of the consultation had been to reflect on the vital role played by human rights defenders in reporting on States parties' compliance with their international obligations and on how treaty bodies could promote their valuable work. Sadly, human rights defenders had recently been the object of serious human rights violations, including in certain States parties whose reports to the Committee had fallen due.

16. The participants had adopted a joint statement highlighting the relevance of the Declaration on Human Rights Defenders to the mandates of all treaty bodies and urging States to strengthen institutions responsible for safeguarding and supporting the work of human rights defenders. The statement, which had been endorsed by all participants in their individual capacities following a careful review to ensure that no new standards had been introduced or implied, brought together material from the Declaration and other standards that applied to the engagement of human rights defenders with the treaty bodies. It had also been endorsed by the Committee on Enforced Disappearances and the Committee on the Rights of the Child, which was planning a day of discussion on child defenders, and she believed that the Committee on Economic, Social and Cultural Rights had also subsequently issued its endorsement. The aim was now to have the other treaty bodies review and endorse the joint statement in order to underscore the importance that the treaty bodies attached to the protection of human rights defenders and to reaffirm their recognition of the contributions made by human rights defenders to the treaty bodies' work. In that connection, the Special Rapporteur had indicated that he would be more than willing to brief the Committee on his mandate.

17. **Mr. de Frouville** said that some provisions of the Declaration on Human Rights Defenders were unfortunately being undermined in both normative and practical terms. The Committee had been informed of the reprisals and intimidation to which human rights defenders were being subjected.

18. **The Chair** said that the joint statement would be submitted to the Committee for its consideration once it had become available in the Committee's three working languages. He invited Ms. Brands Kehris to update the Committee on anti-corruption efforts.

19. **Ms. Brands Kehris** said that several Committee members had attended the International Conference on Human Rights and Corruption organized by the Centre for Civil and Political Rights in February 2018. An expert consultation on corruption and

human rights violations organized by the Geneva Academy of International Humanitarian Law and Human Rights, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Centre for Civil and Political Rights had been held on 11 and 12 June 2018 in Geneva. Several documents on the subject had been discussed, and a practitioners' guide would eventually be produced. Representatives of the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights, as well as the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, had attended the event. The aim was to encourage the treaty bodies to devote more systematic attention to the issue and to produce specific rather than general recommendations on means of countering the problem. A meeting of representatives of treaty bodies to discuss follow-up would be held in October 2018.

20. **Ms. Cleveland** said that she wished to underline the importance of developing a systematic approach to the issue of corruption and human rights protection. In the past, the Committee had focused on the issue as viewed in the light of article 14 in respect of its connection with the judiciary and law enforcement personnel, but it had only recently begun to address the issue of governmental corruption under articles 2 and 25. The question of corruption should be raised in the Committee's lists of issues, and civil society organizations should be encouraged to report on the matter.

21. **The Chair** said that it would be helpful for the Committee to be apprised of the insights and perspectives of other treaty bodies in that connection with a view to improved coordination and alignment.

The public part of the meeting rose at 3.50 p.m.